

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

CR 07-288-02 JMR/FLN

Plaintiff,

v.

O R D E R

Gusmallo Perez Rodriguez,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 4, 2007, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendant's motion to suppress evidence secured in violation of Fifth Amendment [#41] and to suppress electronic surveillance evidence [#42] are DENIED as moot based upon the Government's representation that no statements or electronic surveillance evidence exists.

DATED: October 29, 2007.
at Minneapolis, Minnesota

s/James M. Rosenbaum
CHIEF JUDGE JAMES M. ROSENBAUM
United States District Court